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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,309	03/30/2004	Ehud Mendelson	REL-8149 D2	5159
24131	7590	12/16/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			LOUIS JACQUES, JACQUES H	
			ART UNIT	PAPER NUMBER
			3661	
DATE MAILED: 12/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,309

Applicant(s)

MENDELSON ET AL.

Examiner

Jacques H Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Betters et al [6,732,027].

Betters '027 discloses a system and method of analyzing operational source data, i.e., a method and system for transmitting and recording data from an aircraft and alerting with a wireless. According to Betters et al, there is provided capturing and generating data of an event or condition of the aircraft in real time (abstract); and transmitting data to a ground control facility in real the time (abstract). See also figures 1-3. Betters et al also discloses determining a normal threshold for the data; and generating an alert signal if the data is beyond the threshold with a ground based computer terminal in real time (figure

4). Furthermore, Betters et al discloses that the ground controls facility is connected in a wireless network environment (figures 2 and 6). According to Betters et al, there is provided alerting ground staff if the normal threshold for the data is violated (figures 3 and 6). In addition, there is provided, according to Betters et al, monitoring the data by ground staff in real time; and analyzing the data for an occurrence of any abnormal event or condition (figures 2, 5 and 6). In figure, Betters et al describes a plurality of methods from capturing the data including video data, audio data and fight data. Still in figure,

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Monroe [6,545,601].

Monroe '601 discloses a ground based security surveillance system fir aircraft and other commercial vehicles, i.e., a method and system for transmitting and recording data from an aircraft and alerting with a wireless. According to Monroe, there is provided capturing and generating data of an event or condition of the aircraft in real time (abstract); and transmitting data to a ground control facility in real the time (abstract). See also figures 2a, 2b, 3a, 3b, 4a and 4b, and particular columns 2-3. Monroe also discloses determining a normal threshold for the data; and generating an alert signal if the data is beyond the threshold with a ground based computer terminal in real time (column 8). Furthermore, Monroe discloses that the ground controls facility is connected in a wireless network environment (figures 4a, 4b, 12a-12c and columns 2-3). According to Monroe, there is provided alerting ground staff if the normal threshold for the data is violated (column 8). In addition, there is provided, according to Monroe, monitoring the data by ground staff in real time; and analyzing the data for an occurrence of any abnormal event or condition

(columns 2-5). Monroe describes a plurality of methods from capturing the data including video data, audio data and flight data (figure 13 and column 2). Monroe further discloses utilizing the data to prevent disasters (i.e., sabotage, terrorism). See columns 2, 4. Monroe further discloses providing an early warning alert when a change in normal flight parameters occurs; transmitting flight data and flight voice recorder data, the flight voice recorder data being transmitted only when the normal flight parameters are outside an given range; and analyzing on-line, the flight data and the flight voice recorder data, crises or flight operational quality for assurance (columns 6-8, 17 and figure 6). Monroe also discloses transmitting instructions to a vehicle auto-control system for allowing remote operation of the vehicle (columns 6-7). In column 1, for example, Monroe discloses transmitting at least one of data and voice recorder information from a vehicle selected from the group consisting of aircraft, trains, buses, ships, trucks and military aircraft. Furthermore, Monroe discloses, in columns 6-7, transmitting the data from an aircraft flight data recorder to at least one of said ground based computer, an airline, and federal personal of a government agency on-line and live, the data being analyzed even while the aircraft still in flight. Also, Monroe discloses backing up the data generated by an on-board aircraft transponder by providing each aircraft with an unique Internet protocol address that together with the data collected on-line from the black-boxes will serve as a backup ID for the data generated by the transponder (columns 5-6) and providing the vehicle with voice over Internet Protocol for allowing air to ground communication telephony and Internet communication (column 5). Moreover, Monroe discloses backing up existing communication with the vehicle, the vehicle functioning as

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a node of an Internet Protocol network providing an individual ID, location, voice data and the data for early warning analysis and operational quality assurance analysis (columns 5-6).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,742,336	Lee	Apr. 1998
6,366,311	Monroe	Apr. 2002
6,385,513	Murray et al	May 2002
6,392,692	Monroe	May 2001

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj

Jacques H. Louis-Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER